

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEPHEN LUSH,

Plaintiff,

v.

MADISON POLICE DEPARTMENT,

Defendant.

ORDER

Case No. 24-cv-426-wmc

Plaintiff Stephen Lush, a patient at Mendota Mental Health Institute in Madison, Wisconsin, has filed a proposed civil action, but has neither paid the filing fee, nor requested leave to proceed without prepayment. For this case to proceed, plaintiff must pay the \$405 filing fee or submit a properly supported motion for leave to proceed without prepayment.

This court uses one method to determine the indigency status of all institutionalized persons. This method requires plaintiff to submit a certified copy of a resident account statement for the *entire* six-month period immediately preceding the filing of the complaint.

A certified copy of a resident account statement for the six-month period preceding the complaint must be provided if plaintiff intends to pursue a request to proceed without prepaying the filing fee. Because plaintiff's complaint was submitted on June 27, 2024, the account statement should cover the period beginning approximately December 27, 2023 and ending approximately June 27, 2024. If plaintiff fails to submit an account statement by July 18, 2024, then I will assume that plaintiff wishes to withdraw this action voluntarily.

ORDER

IT IS ORDERED that plaintiff Stephen Lush may have until July 18, 2024 to submit a certified copy of a resident account statement for the period beginning approximately December 27, 2023 and ending approximately June 27, 2024. If plaintiff fails to respond to this order by July 18, 2024, then I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be dismissed without prejudice to plaintiff refiling at a later date.

Entered this 27th day of June, 2024.

BY THE COURT:

/s/

ANDREW R. WISEMAN
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
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v.

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Case No. 24-cv-426-wmc

**REQUEST TO PROCEED IN DISTRICT COURT
WITHOUT PREPAYING THE FILING FEE**

Answer the following questions to the best of your ability.

Note: If you do not tell the truth, the court may dismiss your lawsuit.

I. Personal Information

- 1) Are you employed? ☐ Yes ☐ No
- 2) Are you married? ☐ Yes ☐ No
If "Yes," is your spouse employed? ☐ Yes ☐ No
- 3) Do you have any dependents that you are responsible for supporting?
☐ Yes ☐ No
If "Yes," list them below:

<u>Name or initials (for minor children only)</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support Provided per Month</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

- II. Income** - If you are married, your answers ***must include your spouse's income.***
 (When calculating income, include any wages, salary, rent, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts and inheritance, or other money you receive from any source.)

1) State your total *monthly* wages or salary? \$ _____

2) Provide the name and address of your employer(s):

3) State your spouse's total *monthly* wages or salary? \$ _____

State the amount of money you have received from any other source in the last twelve months, such as the sources listed above. Please attach an additional sheet if necessary.

Source of income

Amount

_____ \$ _____

_____ \$ _____

- III. Expenses** - If you are married or have dependents, ***your expenses should also include your household's expenses.***

(When calculating household expenses, you may include groceries, clothing, medical costs, utilities that are not included in your rental payments, transportation, and insurance.)

1) Identify the following amounts that you pay per month:

☐ Rent or ☐ Mortgage \$ _____

Car payment(s) \$ _____

Alimony or court-ordered child support \$ _____

Credit card payment(s) \$ _____

- 2) Do you have any other *monthly* expenses that you have not already listed?
☐ Yes ☐ No

If “Yes,” list them below:

<u>Expense</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

- 3) What are your total *monthly* expenses? \$ _____

IV. Property - If you are married, your answers must *include your spouse's property*.

- 1) Do you own a car? ☐ Yes ☐ No If “Yes,” list car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____

- 2) Do you own your home(s)? ☐ Yes ☐ No

If “Yes,” state the approximate value(s). \$ _____

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the home(s)? \$ _____

- 3) Do you have any cash or checking, savings, or other similar accounts?
☐ Yes ☐ No

If “Yes,” state the total of such sums. \$ _____

- 4) Do you own any other property of value, such as real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k), artwork or jewelry?

☐ Yes ☐ No

If "Yes," describe the property and the approximate value(s).

- V. **Other Circumstances** - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

I, _____, declare that I am the plaintiff bringing this complaint. I declare that I am unable to prepay the fee and that I am entitled to the relief sought in the complaint.

Date

Signature - Signed Under Penalty of Perjury